

U.S. Application Serial No. 09/788,502 11
Docket No. ARC9-2000-0074-US1
ALM.049

REMARKS

Claims 1-35 are all the claims presently pending in the application.

Claims 3, 26, 27, 34, and 35 have been amended to define more clearly and particularly the features of the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, 6-8, 11-14, 16-19, 26-29, and 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan et al. (U.S. Publication 2002/0022488). Claims 3 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Carley (U.S. Patent No. 6,574,484). Claims 4, 5, 9, 10, and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Farris (U.S. Patent No. 6,167,253).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The present invention generally relates to a system and method for locating an alternate communication mechanism in the case of a failure of a wireless communication device (e.g., see specification at page 1, lines 6-9).

U.S. Application Serial No. 09/788,502 12
Docket No. ARC9-2000-0074-US1
ALM.049

In an illustrative, non-limiting aspect of the invention, as defined for example by independent claim 1, a system for locating an alternate communication mechanism in case of a failure of a wireless device includes a location tracker for continuously transmitting information to the wireless device for allowing a user to locate an alternate communication mechanism after the failure has occurred.

An exemplary aspect of the system includes a display, on the wireless device, for allowing the wireless device to display information that was received prior to the failure. Additionally or alternatively, an exemplary aspect of the invention can include a speaker, on the wireless device, for allowing the wireless device to play audio information that was received prior to the failure, as exemplarily defined by dependent claim 3.

A failure of the wireless device can include, among other things, a loss of capability to perform an intended purpose of the wireless device, a loss of connection to a wireless network, a loss of wireless network coverage, a loss of battery power, a loss of adequate battery power necessary for communication, a loss of battery power necessary to maintain a network connection, and/or a loss of capability of the wireless device to transmit signals, as exemplarily defined by dependent claim 3.

The present invention has recognized that, while a considerable amount of battery power is required for the wireless device to transmit signals, it takes very little power to display the information on a liquid crystal display (LCD) or the like, or to play it through a speaker (e.g., see specification at page 5, lines 13-16). Thus, even if the wireless device has lost its capability to transmit signals, it can still display (or play) information that was received prior to the failure

U.S. Application Serial No. 09/788,502 13
Docket No. ARC9-2000-0074-US1
ALM.049

such that the user of the wireless device can locate an alternate communication mechanism. The information may include, among other things, directions to the nearest pay phone, the nearest house or facility, the nearest location offering wireless coverage and/or recharging facilities, etc. (e.g., see specification at page 5, lines 17-19, and page 6, lines 1-2).

Independent claims 26, 27, 34, and 35 recite somewhat similar features as described above.

II. THE PRIOR ART REJECTIONS

Claims 1, 2, 6-8, 11-14, 16-19, 26-29, and 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan. Claims 3 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Carley. Claims 4, 5, 9, 10, and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Farris.

The Examiner alleges that Srinivasan suggests all of the features of the claimed invention. Applicant respectfully submits, however, that there are features of the claimed invention which clearly are not disclosed or suggested by Srinivasan.

However, Srinivasan clearly does not disclose, suggest, or even mention a failure of the wireless device (for example, to perform its intended function), as claimed by independent claim 1.

Indeed, the Examiner erroneously alleges that the "*failure of the wireless device*" as claimed, is shown by Figure 2, reference numeral 34, which simply depicts the wireless device

U.S. Application Serial No. 09/788,502 14
Docket No. ARC9-2000-0074-US1
ALM.049

34. Further, the Examiner alleges that the claimed "*failure of the wireless device*" is comparable to "*a mobile vehicle is out of gas or needs (sic) service*" (see Office Action at page 2, numbered paragraph 3, lines 7-9). However, clearly the failure of the mobile vehicle has nothing to do with the failure of the wireless device, as claimed.

In contrast to the Examiner's position and to the claimed invention, Srinivasan discloses a method of communicating inferred information to a wireless communication device. The method includes determining a location of the wireless device, inferring a likely interest of the user from the location of the wireless device, and transmitting data related to the interest to the wireless device. The method may also ascertain time at the location of the wireless communication device user and infer an interest of the user from the time and location of the user. In addition, the method may include inferences made from information related to preferences of the user (e.g., see Srinivasan at Abstract; emphasis Applicant's).

Particularly, Srinivasan discloses that the time and location information can be used to provide information to the wireless communication device user concerning alternate driving routes (e.g., see Srinivasan at page 4, paragraph [0039]), a list of stores in a local mall, featured goods and special pricing for stores, featured menu items and pricing for restaurants (e.g., see Srinivasan at page 5, paragraph [0046], and page 7, paragraph [0061], bus schedules or the length of the line at a local bank teller window (e.g., see Srinivasan at page 7, paragraph [0063]), promotional product information (e.g., see Srinivasan at page 7, paragraph [0064]), etc.

U.S. Application Serial No. 09/788,502 15
Docket No. ARC9-2000-0074-US1
ALM.049

In contrast to the Examiner's position and to the device of Srinivasan, independent claim 1 recites, *inter alia*, a "system for locating an alternate communication mechanism in case of a failure of a wireless device, comprising: a location tracker for continuously transmitting information to the wireless device for allowing a user to locate an alternate communication mechanism after the failure has occurred" (emphasis added).

That is, the present invention has recognized that, while a considerable amount of battery power is required for the wireless device to transmit signals, it takes very little power to display the information on a liquid crystal display (LCD) or the like, or to play it through a speaker (e.g., see specification at page 5, lines 13-16). Thus, even if the wireless device has lost its capability to transmit signals, it can still display (or play) information that was received prior to the failure such that the user of the wireless device can locate an alternate communication mechanism. The information may include, among other things, directions to the nearest pay phone, the nearest house or facility, the nearest location offering wireless coverage and/or recharging facilities, etc. (e.g., see specification at page 5, lines 17-19, and page 6, lines 1-2).

Therefore, Applicants respectfully submit that Srinivasan clearly does not disclose or suggest all of the features of the claimed invention.

Moreover, dependent claim 3 further defines that the system also can include a display, on the wireless device, for allowing the wireless device to display information that was received prior to the failure. Additionally or alternatively, the invention can include a speaker, on the

U.S. Application Serial No. 09/788,502 16
Docket No. ARC9-2000-0074-US1
ALM.049

wireless device, for allowing the wireless device to play audio information that was received prior to the failure, as exemplarily defined by dependent claim 3.

A failure of the wireless device can include, among other things, a loss of capability to perform an intended purpose of the wireless device, a loss of connection to a wireless network, a loss of wireless network coverage, a loss of battery power, a loss of adequate battery power necessary for communication, a loss of battery power necessary to maintain a network connection, and/or a loss of capability of the wireless device to transmit signals, as exemplarily defined by dependent claim 3 (see also claims 26, 27, 34, and 35).

Clearly, Srinivasan does not disclose, suggest, or even mention a device which includes “a location tracker for continuously transmitting information to the wireless device for allowing a user to locate an alternate communication mechanism after the failure has occurred” as defined by independent claim 1, or for that matter, “at least one of a display, on said wireless device, for allowing the wireless device to display information that was received prior to the failure, and a speaker, on said wireless device, for allowing the wireless device to play audio information that was received prior to the failure, wherein said failure includes at least one of a loss of capability to perform an intended purpose of said wireless device, a loss of connection to a wireless network, a loss of wireless network coverage, a loss of battery power, a loss of adequate battery power necessary for communication, a loss of battery power necessary to maintain a network connection, and a loss of capability of the wireless device to transmit signals” as defined by dependent claim 3 (and independent claims 26, 27, 34, and 35).

U.S. Application Serial No. 09/788,502 17
Docket No. ARC9-2000-0074-US1
ALM.049

For the foregoing reasons, Applicants respectfully submit that Srinivasan clearly does not disclose or suggest all of the features of the claimed invention.

Moreover, Applicants submit that Carley and Farris, either individually or in combination with Srinivasan, do not make up for the deficiencies of Srinivasan. Therefore, Srinivasan, Carley, and Farris, either individually or in combination, clearly do not disclose or suggest all of the features of the claimed invention.

Thus, the Examiner respectfully is requested to withdraw these rejections and to permit all of the claims (i.e., claims 1-35) of the present application to pass to immediate allowance.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-35, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


U.S. Application Serial No. 09/788,502
Docket No. ARC9-2000-0074-US1
ALM.049

18

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

Date: March 15, 2005

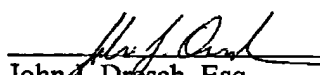

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.111 to Examiner Keith Ferguson on March 15, 2005.


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